



**BARTEAU, Senior Judge**

Defendant-Appellant Lashaunda Crymes appeals the trial court's denial of her motions for relief from judgment and to correct sentence. We affirm.

We address one issue: whether Crymes' plea agreement is void because the probation condition included in the agreement that requires her to testify truthfully if called upon to do so is invalid.

In December 2003, Crymes pleaded guilty to three counts of Class C felony forgery. Specifically, in November 2000, Crymes received a student loan check for \$15,000. She endorsed the check for both herself and Purdue University, deposited it in her bank account, and spent it. (Cause Number 15). In September 2001, Crymes obtained a Visa credit card using a false name. She charged approximately \$1,000 worth of goods and services to the card. (Cause number 23).

In addition, in December 2001, Crymes took a Southwest Airlines' account number off of the back of one of her return checks, and used that number to make her own computer generated checks to access the airline's account and remove \$8,000 from it. She also created a fake corporation with a federal identification number and used the corporation to filter the money from this and other Southwest checks. (Cause Number 39). Pursuant to the terms of Crymes' plea agreement, sentencing was left to the court's discretion.

Following a sentencing hearing, the court found the following mitigating circumstances: 1) Crymes is well-educated and 2) undue hardship on Crymes' four-year-old daughter. The court also found the following aggravating factors: Crymes committed additional crimes while out on bond and fled the jurisdiction. The court also found that Crymes was a "big time" forger who was likely to reoffend because the number of offenses she committed showed a pattern of dishonesty. Transcript p. 15. The court further considered Crymes' federal conviction of wire fraud for using the Internet to wire \$250,000 out of Save the Children's account.

Finding that the aggravating circumstances outweighed the mitigating circumstances, the court sentenced Crymes to six years for each count, sentences to run consecutively, for a total sentence of 18 years. The court ordered ten years executed followed by eight years of supervised probation. In its written sentencing order, the trial court also ordered the 18-year sentence to run consecutively to Crymes' federal sentence for wire fraud.

In April 2005, Crymes, acting pro se, filed a Motion for Relief from Judgment wherein she argued that the probation condition included in her plea agreement that requires her to testify truthfully if called upon to so do is invalid and that the plea agreement is therefore void. In May 2005, Crymes, still acting pro se, filed a Motion to Correct Sentence wherein she argued that her sentence is erroneous for the following reason:

[I]n its written sentencing order, the Court stated, inter alia, that [Crymes] is to serve her sentences in the three (3) above captioned cause numbers consecutively to her federal sentence . . . . However, the sentencing

transcripts reveal that no such order was pronounced on the record at [Crymes'] . . . sentencing hearing.

Appellant's Appendix, p. 59. Also in the motion, Crymes argues that court exceeded its authority when it imposed as a probation requirement that she testify truthfully if called upon to do so. The trial court denied both motions in June 2005. Crymes appeals the denials

At the outset, we note that Crymes has raised several issues that are not properly before this court because they were not raised in her motions for relief from judgment and to correct sentence. Specifically, her arguments that the trial court 1) considered an improper aggravating factor, 2) failed to consider certain mitigating circumstances, 3) failed to advise her that her sentence for the forgery convictions could be ordered to run consecutively to her federal sentence, and 4) issued three inconsistent abstracts of judgment in the case, are all waived. *See Mitchell v. Stevenson*, 677 N.E.2d 551, 558 (Ind. Ct. App. 1997), *trans. denied*. (stating that when an issue is not raised before the trial court, that issue is waived for appellate review).

We next turn to Crymes' contention that her sentence is erroneous because the court's written order improperly included a provision that was not pronounced at the sentencing hearing. This contention was not properly brought in a motion to correct erroneous sentence. Rather, a motion to correct erroneous sentence is appropriate only when the sentence is "erroneous on its face." *Robinson v. State*, 805 N.E.2d 783, 786 (Ind. 2004). A sentence that is erroneous on its face may be resolved by considering only the face of the judgment and the applicable statutory authority without reference to other

matters in or extrinsic to the record. *Id.* at 787. Claims, such as the one in this case, that require consideration of the proceedings before, during, or after trial, may not be presented by way of a motion to correct erroneous sentence. *Id.* Instead, they are best addressed promptly on direct appeal and thereafter via post-conviction relief proceedings where applicable. *Id.*

We now turn to the issue that is properly before this court. That issue is whether Crymes' plea agreement is void because the probation condition included in the agreement that requires her to testify truthfully if called upon to do so is invalid.

When granting probation, the trial court is vested with broad discretion in establishing conditions. *Carswell v. State*, 721 N.E.2d 1255, 1258 (Ind. Ct. App. 1999). The only limitation placed on this discretion is that the conditions have a reasonable relationship to the treatment of the accused and the protection of the public. *Id.* Therefore, because of the broad discretion granted the trial court, our review is essentially limited to determining whether the conditions placed upon the defendant are reasonably related to attaining those goals. *Id.*

Here, Crymes was convicted of three counts of forgery, a crime of dishonesty. In addition, at the sentencing hearing, the trial court found that the number of offenses that Crymes committed showed a pattern of dishonesty. As a condition of probation, the court ordered her to testify truthfully if called upon to do so. This condition clearly has a reasonable relationship to both Crymes' rehabilitation from committing crimes of dishonesty and the public's protection.

We further note that it is always a condition of probation that a probationer not commit an additional crime. *Braxton v. State*, 651 N.E.2d 268, 270 (Ind. 1995). A person who makes a false statement under oath knowing the statement to be false commits perjury, a Class D felony. Ind. Code § 35-44-2-1. Thus, the condition that the probationer testify truthfully is always an implied condition of probation, not an invalid one. Because the condition is not invalid, the plea agreement is not void.

Affirmed.

KIRSCH, C.J., and MATHIAS, J., concur.